

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

March 11, 1997 LB 422

the responsibility to protect the lives and the liberty of each of us, and to protect, especially, the most vulnerable of our citizens. Together, acting collectively through our state government, we place law enforcement officer in harm's way and very often in grave danger. We define, we direct their duty and their responsibility to face violence and risk injury and death in the performance of their responsibilities. We impose upon them the duty to protect the very fabric of our lives, to protect the personal security of our families and our homes. We require them, in the performance of their official duty, to preserve and protect the peace of and the safety in our towns and cities and rural areas. Now, when in the course of the performance of their official duties, they are attacked and a law officer is killed, it is more than a criminal offense against that person, against that officer. It is, in fact, an attack, an offense, against our organized society. It damages, it diminishes, it denigrates the democratic civilization of our state. The nature of this type of crime, the killing of a law enforcement officer engaged in the performance of his or her official duties, should be very carefully weighed by the court and considered as an aggravating circumstance by the court in determining whether to impose the death penalty where there has been a conviction of first degree murder. It is for this reason that I have introduced LB 422 at the request of the Governor for the purpose of adding to the list of aggravating circumstances in Section 29-2523 of the Nebraska Statutes, the following provision, and I quote: "The victim is a law enforcement officer engaged in the performance of his or her official duties and the offender knew or reasonably should have known that the victim was a law enforcement officer." Following the decision of the United States Supreme Court in the case of Furman v. Georgia in 1972, Nebraska adopted statutory provisions providing special procedures to be followed in homicide cases. Section 2523 of the Nebraska Statutes sets forth eight aggravating circumstances and seven mitigating circumstances which a judge must consider in determining whether to impose the death penalty where there has been a conviction of first degree murder. One of the aggravating circumstances included in the Nebraska law reads: "The victim was a law enforcement officer or a public servant having custody of the offender or another." This has been interpreted in the Reynolds case by our Nebraska Supreme Court to apply only to law enforcement officer who is